

Practitioner's Docket No. 38-21(15347)C**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent application

of \_\_\_\_\_  
Inventor(s)for \_\_\_\_\_  
Title of invention

the specification of which is being transmitted herewith

**OR**

In re application of: Martinell et al.

Application No.: 10 / 029,374 Group No.: 1638

Filed: 12/20/2001

Examiner: Georgia L. Helmer

For: Soybean Transformation Method

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

**INFORMATION DISCLOSURE STATEMENT****CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\****(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**☒ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231**37 C.F.R. § 1.8(a)**☒ with sufficient postage as first class mail.**37 C.F.R. § 1.10\***☐ as "Express Mail Post Office to Addressee"

Mailing Label No. \_\_\_\_\_ (mandatory.)

**TRANSMISSION**☐ transmitted by facsimile to the Patent and Trademark Office.Date: 9/27/2004Signature Michelle LudwigMichelle Ludwig

(type or print name of person certifying)

(Information Disclosure Statement [6-1]—page 1 of 5)

## TIME OF TRANSMITTAL OF ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

This information disclosure statement is being filed after the period specified in 37 C.F.R. §1.97(b), but prior to the events specified in 37 C.F.R. §1.97(c). The fee set forth in §§1.97(c)(2) and 1.17(p) is included with this submission.

**NOTE:** "Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section." 37 C.F.R. § 1.56(a).

"Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) each inventor named in the application;
- (2) each attorney or agent who prepares or prosecutes the application; and
- (3) every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application." 37 C.F.R. § 1.56(c).

**NOTE:** The "duty as described in § 1.56 will be met so long as the information in question was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98 before issuance of the patent." Notice of January 9, 1992, 1135 O.G. 13 -25 at 17.

**WARNING:** "No information disclosure statement may be filed in a provisional application." 37 C.F.R. § 1.51(d).

### List of Sections Forming Part of This Information Disclosure Statement

The following sections are being submitted for this Information Disclosure Statement:

*(check sections forming a part of this statement: discard unused sections  
and number pages consecutively)*

1. ☐ Preliminary Statements
2. ☒ FORMS PTO/SB/08A and 08B (formerly FORM PTO-1449)
3. ☐ Statement as to Information Not Found in Patents or Publications
4. ☒ Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted
5. ☐ Cumulative Patents or Publications
6. ☐ Copies of Listed Information Items Accompanying This Statement
7. ☐ Concise Explanation of Non-English Language Listed Information Items
  - 7A. ☐ EPO Search Report
  - 7B. ☐ English Language Version of EPO Search Report
8. ☐ Translation(s) of Non-English Language Documents
9. ☐ Concise Explanation of English Language Listed Information Items (Optional)
10. ☒ Identification of Person(s) Making This Information Disclosure Statement

*(complete the following, if appropriate)*

Sections 2, 4 and 10 , respectively, have been continued on ADDED PAGE(S).

**NOTE:** "Once the minimum requirements are met, the examiner has an obligation to consider the information." Notice of April 20, 1992 (1138 O.G. 37-41, 37).

				ATTY. DOCKET NO. 38-21(15347)C		APPLICATION NO. 10/029,374	
FORM PTO-1449 INFORMATION DISCLOSURE STATEMENT				APPLICANT Martinell et al.			
				FILING DATE 12/20/2001		GROUP 1638	
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	AA	5,169,770	12/08/1992	Paula P. Chee et al.			12/16/1988
	AB	5,565,346	10/15/1996	Daniel Facciotti			07/27/1988
	AC	5,824,877	10/20/1998	Maud A. Hinchee			10/25/1996
	AD	5,693,512	12/2/1997	John Finer et al.			03/01/1996
FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION
	AE	0 444 882 A	04/09/1991	EP			Yes No
	AF	94 02620 A	02/03/1994	PCT			Yes No
OTHER (Including Author, Title, Date, Pertinent Pages, etc.)							
	AG		Malone-Schoneberg, JoBeth et al. "Stable transformation of sunflower using <i>Agrobacterium</i> and split embryonic axis explants." Plant Science (1994) vol 103, no. 2, pages 199-207.				
	AH		Trick, Harold N. et al. "SAAT: Sonication-assisted <i>Agrobacterium</i> -mediated transformation." Transgenic Research (1997) vol. 6, no. 5, pages 329-336.				
EXAMINER					DATE CONSIDERED		
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.							

**Section 4. Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted**

**NOTE:** "A copy of any patent, publication, pending U.S. application or other information, as specified in paragraph (a) of this section, listed in an information disclosure statement is required to be provided, even if the patent, publication, pending U.S. application or other information was previously submitted to, or cited by, the Office in an earlier application, unless:

- (1) The earlier application is properly identified in the information disclosure statement and is relied on for an earlier effective filing date under 35 U.S.C. 120; and
- (2) The information disclosure statement submitted in the earlier application complies with paragraphs (a) through (c) of this section." 37 C.F.R. § 1.98(d).

**WARNING:** "This exception to the requirement for copies of information does not apply to information which was cited in an international application under the Patent Cooperation Treaty." Notice of April 20, 1992 (1138 O.G. 37-41, 38).

**WARNING:** "Information which is cited or submitted to the Office in the parent application of a file wrapper continuing application under 37 C.F.R. § 1.62 will be part of the file before the examiner and need not be resubmitted in the continuing application. Likewise, the examiner will consider information cited or submitted to the Office in a parent application when examining a continuing application and thus this information need not be resubmitted unless applicant desires the information to be printed on the patent." Notice of April 20, 1992 (1138 O.G. 37-41, 37).

**WARNING:** While a copy of a non-English language item of information need not be submitted, if it was previously submitted to, or cited by, the Office in a prior application, provided it is properly identified in this statement and this application relies on that earlier filing date under 35 U.S.C. 120, nevertheless, the requirement in § 1.98(a)(3) for a concise explanation of non-English language information would not be satisfied by a statement that a reference was cited in the prosecution of a parent application. The concise explanation must explain the relevance, as presently understood by the person designated in § 1.56(c) most knowledgeable about the content of the information. Notice of January 9, 1992, 1135 O.G. 13-25, at 20.

This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application SN.: 09 / 483,472 , filed on January 14, 2000 (date).

(complete the following, if applicable)

- ☐ This application also relies, under 35 U.S.C. 120, on the earlier filing date of prior application SN.: 0 / , filed on \_\_\_\_\_ (date).

The following references were submitted to, and/or cited by, the Office in the prior application(s) and, therefore, are not required to be provided in this application:

**Section 10. Identification of Person(s) Making This Information Disclosure Statement**

The person making this statement is

*(check each applicable item)*

- (a) ☐ the inventor(s) who signs below

\_\_\_\_\_  
**SIGNATURE OF INVENTOR**

\_\_\_\_\_  
*(type name of inventor who is signing)*

- (b) ☐ an individual associated with the filing and prosecution of this application (37 C.F.R. § 1.56(c))

\_\_\_\_\_  
**SIGNATURE OF INVENTOR**

\_\_\_\_\_  
*(type name of inventor who is signing)*

- (c) ☒ the practitioner who signs below on the basis of the information:

*(check each applicable item)*

- ☐ supplied by the inventor(s).  
☐ supplied by an individual associated with the filing and prosecution of this application. (37 C.F.R. § 1.56(c))  
☒ in the practitioner's file.

  
\_\_\_\_\_  
**SIGNATURE OF PRACTITIONER**

M. Todd Rands

*(type or print name of practitioner)*

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